

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 12, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Informal organization meeting	Chairman Leon Smith
	Appointment of Rules Sub-Committee	Chairman Leon Smith

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Leon Smith

Vice Chair Phil Hart

Rep JoAn Wood

Rep Scott Bedke

Rep Richard Wills

Rep Bob Nonini

Rep Marv Hagedorn

Rep Joe Palmer

Rep Linden Bateman

Rep Julie Ellsworth

Rep Frank Henderson

Rep Jeff Nasset

Rep Shirley Ringo

Rep Phylis King

Rep William Killen

COMMITTEE SECRETARY

Sheila Doherty

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, January 12, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Hart, Representative(s) Wood(35), Bedke, Wills, Nonini, Hagedorn, Palmer, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:**

GUESTS: None.

Chairman Smith (24) called the meeting to order at 1:30 pm.

Chairman Smith (24) extended personal privilege to Representative Wood (35) and she expressed appreciation for her opportunity to have served as Chairman of the Transportation and Defense Committee for the previous 15 years and said she looks forward to continued service on this committee.

Chairman Smith (24) welcomed committee members and MJ Veselka, Committee Page, and Justin Jeppesen, Committee Intern. Members of the committee introduced themselves.

Chairman Smith (24) announced that the Rules Sub-Committee Chairman is Representative Hart and Rules Sub-Committee members are Representatives Hagedorn, Bateman, and Ringo.

Chairman Smith (24) announced there will be no committee meeting on Friday, and the next meeting will be Tuesday, January 18, at 1:30 pm. There will be a Joint House/Senate Transportation Committee meeting on Thursday, January 20, at 1:30 pm.

ADJOURN; There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 1:53 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 18, 2011

SUBJECT	DESCRIPTION	PRESENTER
RS 19972	Abandoned motor vehicles, storage	Major Ralph Powell, Idaho State Police
RS 19981C1	Transportation department/commercial driver requirement	Ed Pemble, ITD

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Hart

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Nonini

Rep Hagedorn

Rep Palmer

Rep Bateman

Rep Ellsworth

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Rep Nessel

Rep Ringo

Rep King

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, January 18, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Hart, Representative(s) Wood(35), Bedke, Wills, Nonini, Hagedorn, Palmer, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representatives Bedke and Hagedorn

GUESTS: Edward Pemble, Driver Services Manager, Idaho Transportation Department (ITD); Major Ralph Powell, Idaho State Police; Regina Phipps, Vehicle Size & Weight Specialist, ITD; Alan Frew, Motor Vehicles Division Administrator, ITD

Chairman Smith (24) called the meeting to order at 1:30 pm.

MOTION: **Rep. Ringo** moved to approve the minutes of the January 12 meeting as written; **motion carried on voice vote.**

RS 19972: **Major Ralph Powell**, Idaho State Police, presented **RS 19972**, and said it amends Idaho Code Section 49-1805 to create consistency with Idaho Code Section 49-1803A notification requirements from law enforcement to registered or legal owners of vehicles towed and stored. This amendment allows notification within a maximum of 96 hours of the vehicle being towed and avoids necessity for two separate notifications to different entities with different time lines.

MOTION: **Rep. Wills** moved to introduce **RS 19972. Motion carried on voice vote.**

RS 19981C1: **Edward Pemble**, Driver Services Manager, ITD, presented **RS 19981C1**, and said this proposal will implement requirements by States for drivers subject to CDL and medical certificate requirements. He said there would be more fiscal impact to not implement the action. Mr. Pemble said Idaho Trucking Association and Idaho State Police previewed this RS and helped craft the RS.

MOTION: **Rep. King** moved to introduce **RS 19981C1. Motion carried on voice vote.**

ADJOURN: There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 1:49 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
HART SUBCOMMITTEE
Rules

DATE: Tuesday, January 18, 2011
TIME: Upon adjournment of Full Committee
PLACE: Room EW40
MEMBERS: Chairman Hart, Representatives Hagedorn, Bateman, Ringo
**ABSENT/
EXCUSED:** Representative(s) Hagedorn
GUESTS: Randy Nilson, Idaho Tax Commission; Regina Phipps, Vehicle Size & Weight Specialist, Idaho Transportation Department

Chairman Hart called the meeting to order at 1:54 pm.

DOCKET NO. 39-0322-1001: **Regina Phipps**, Vehicle Size & Weight Specialist, ITD, presented **Docket No. 39-0322-1001**, and said this rule was requested by the logging industry to increase the limitations for permitted vehicle combinations on "blue-coded routes" from ninety (90) to ninety-five (95) feet in overall length including load overhang. Ms. Phipps said this still allows the vehicles to operate within the maximum off-tracking limitations and also eliminates redundant language regarding connecting devices. She said her division received no comments after twice publishing notification of this rule.

MOTION: **Rep. Ringo** moved to recommend approval of **Docket No. 39-0322-1001** by the full committee. **Motion carried on voice vote.**

DOCKET NO. 35-0105-1001: **Randy Nilson**, Idaho Tax Commission, presented **Docket No. 35-0105-1001**, stating that Rule 130 is being amended to notify fuel distributors that ethanol, natural gasoline, and gasoline blend stocks are received when the fuels are imported into Idaho, removed from an Idaho pipeline terminal, or removed from an Idaho ethanol production facility. The rule provides a method for distributors to deduct the gallons of ethanol placed into storage inside an Idaho pipeline terminal and shows that the motor fuels tax and transfer fee are due when ethanol, natural gasoline, and gasoline blend stocks are received.

MOTION: **Rep. Bateman** moved to recommend approval of **Docket No. 35-0105-1001** by the full committee. **Motion carried on voice vote.**

DOCKET NO. 35-0105-1003: **Randy Nilson**, Idaho Tax Commission, presented **Docket No. 35-0105-1003**, and said Rule 137 regards reporting guidelines, requiring an instate pipeline terminal operator to report ethanol that was placed into storage at its Idaho pipeline terminal. This information will help the Tax Commission to account for all ethanol that was imported into the state by tanker truck or railcar. Rule 320 is being amended to show that records for all types of motor fuels must be kept for three years. Rule 400 is being amended to define what a carrier powered by gaseous fuels needs for permitting or licensing. Rule 510 includes ethanol and natural gasoline in the definition of petroleum and petroleum products in order to impose the transfer fee on these fuels when they are imported into Idaho or removed from a production plant in Idaho.

MOTION: **Rep. Ringo** moved to recommend approval of **Docket No. 35-0105-1003** by the full committee. **Motion carried on voice vote.**

ADJOURN: There being no further business before the subcommittee, **Chairman Hart** adjourned the meeting at 2:22 pm.

Representative Phil Hart
Chair

Sheila Doherty
Secretary

JOINT
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
AND
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Auditorium (WW02)
Thursday, January 20, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Idaho Transportation Department Presentation	
	Introductions	Darrell V. Manning, Chairman, Idaho Transportation Department Board
	Idaho Transportation Department Annual Update	Brian W. Ness, Director, Idaho Transportation Department L. Scott Stokes, Deputy Director, Idaho Transportation Department

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Hart

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Nonini

Rep Hagedorn

Rep Palmer

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Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

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MINUTES
JOINT MEETING
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 20, 2011

TIME: 1:30 P.M.

PLACE: Auditorium (WW02)

MEMBERS: Chairman Smith(24), Vice Chairman Hart, Representative(s) Wood(35), Bedke, Wills, Nonini, Hagedorn, Palmer, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen
Chairman Hammond, Vice Chairman Brackett, Senators Keough, McGee, Corder, Winder, Bair, Werk, Bilyeu

**ABSENT/
EXCUSED:** Sen. Bilyeu

GUESTS: Brian W. Ness, Director, Idaho Transportation Department (ITD); L. Scott Stokes, Deputy Director, ITD; Rik Hinton, Technical Writer, ITD; Mary Harker, Chief Human Resource Officer, ITD; Jackie Ness; Matt VanAusdall; Nick VanAusdall; Barb VanAusdall; Lance Holmstrom, LHTAC Administrator, ITD; Paul Steinman, Chief Operations Officer, ITD; Andy VanAusdall, Givens Pursley; Diana Coe; Dave Goins, Idaho News Service; Bill Spence, Lewiston Morning Tribune; Brent Olmstead, 3M Corporation; Heather Wheeler, Community Transportation Association of Idaho; Roger Seiger, Capitol West; Lincoln Smyser, Connolly & Smyser; Dennis Tanikuni, Idaho Farm Bureau; Miguel Legarreta, Ada County Association of Realtors; Bob Uebelher, Connolly & Smyser; Mark Duffin, Idaho Sugarbeet Growers

Chairman Hammond called the meeting to order at 1:32 pm. **Chairman Smith** welcomed all guests, and in particular, the Board members and all representatives of the Idaho Transportation Department (ITD). Chairman Hammond recognized **Darrell V. Manning**, Chairman, Idaho Transportation Board. Mr. Manning introduced members of the Idaho Transportation Board and other Idaho Transportation Department personnel in attendance. General Manning stated that the board is pleased with the direction of ITD under Mr. Ness' leadership.

**ITD ANNUAL
UPDATE:** **Brian W. Ness**, Director, and **L. Scott Stokes**, Deputy Director, ITD, presented the Fiscal Year 2012 mission and vision for the Department. Mr. Ness and Mr. Stokes addressed the promises made and promises kept, the FY12 Governor's recommendation, GARVEE, and organizational realignment. The vision of the Department is to be the best transportation department in the country, with emphasis on improving safety, enhancing mobility and supporting the economy. The promise to be accountable is executed through monthly reports to the Board and through tracking charts of the Department's progress that are available on their website. Mr. Ness and Mr. Stokes said DMV modernization is a very important project at ITD because the old system is cumbersome to maintain and cumbersome to meet needs of customers. Also, law enforcement's access to the data will be greatly enhanced by the new system. The Directors detailed the promise to review every program and expense. In discussing the FY12 budget and Governor's recommendation, Mr. Ness said 90% of the budget is for highway operations and maintenance, bond proceeds for construction, and contract construction. He explained the fund sources and fund distribution projections. Mr. Ness defined the nine layers of management between the front line workers and the Director, then described the proposed realignment which is more efficient and effective.

Mr. Ness and Mr. Stokes responded to questions from the committee members. Mr. Stokes said the five-year Idaho highway fatality rate continues to decline and the Department is working to change the terms of accepted driving behavior. Mr. Ness said the Department continually tracks how Idaho is trending compared to other states, and that the Department is always reviewing ways to expand the life of infrastructure, though some types of bridges have a fixed life span. Mr. Ness said preventive maintenance is the focus. He also said the \$543 million annual shortfall was a Task Force conclusion. Mr. Stokes said the recent economic slowdown has negatively affected traffic flow and registrations. Mr. Stokes said the Department's long-range focus is safety and mobility, as well as making roads and bridges last longer. Mr. Ness explained that the weight of loads on each truck axle spreads the load for less road damage, and that there is a significant bond for repairs, negating extra cost to taxpayers. Mr. Ness said the Department projects salary savings of \$1.5 million over the next two years, with no layoffs, furloughs, or employee concessions. Mr. Stokes said the Department is focused on preventive maintenance. Mr. Ness noted that labor costs are less and fuel prices are expected to spike up.

Chairman Smith and **Chairman Hammond** expressed appreciation to the Department for this update.

ADJOURN: There being no further business before the joint committee, **Chairman Hammond** adjourned the meeting at 2:50 pm.

Representative Smith(24)
Co-Chair

Sheila Doherty
Secretary

Senator James Hammond
Co-Chair

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, January 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
RS 19942	Military division, adjutant general	Gen. Gary Sayler and Lt. Col. Dave Dahle, Military Division
RS 19949	National guard, income benefits	Gen. Gary Sayler and Lt. Col. Dave Dahle, Military Division
RS 19951	Military Division, duty status	Gen. Gary Sayler and Lt. Col. Dave Dahle, Military Division
RS 20111	Idaho Aviation license plate	Representative Joe Palmer

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Hart

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Nonini

Rep Hagedorn

Rep Palmer

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, January 24, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Hart, Representative(s) Wood(35), Bedke, Wills, Nonini, Hagedorn, Palmer, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative(s) Wills, Bateman, Ellsworth, Killen

GUESTS: Larry Taylor, Idaho Aviation Foundation; Lt. Col. David Dahle, Idaho Military Division; Adj. Gen. Gary Saylor, Idaho Military Division; Brig. Gen. Richard Turner, Idaho Military Division

Chairman Smith (24) called the meeting to order at 1:34 pm.

MOTION: **Rep. Ringo** moved to approve the minutes of the January 18 meeting as written. **Motion carried on voice vote.**

Gen. Gary Saylor, Adjutant General, Idaho Military Division, introduced Lt. Col. David Dahle, Idaho Military Division, and said Col. Dahle would introduce the legislation.

RS 19442: **Lt. Col. David Dahle**, Idaho Military Division, presented **RS 19442**, saying it amends Idaho Code to add additional language clarifying the Adjutant General's authority over contracting and procurement for military and non-military facilities within the Military Division of the office of the Governor. Col. Dahle said this new subsection refers to functions already being performed by the Division.

MOTION: **Rep. Wood (35)** moved to introduce **RS 19442**. **Motion carried on voice vote.**

RS 19949: **Lt. Col. David Dahle**, Idaho Military Division, informed the committee that **RS 19949** should be **Returned to Sponsor**. The Chairman so ordered.

RS 19951: **Lt. Col. David Dahle**, Idaho Military Division, presented **RS 19951**, and said this legislation amends Idaho Code to clarify military jurisdiction over illegal drug use for Idaho National Guard members when not in a regular military duty status. Currently, the Idaho Court of Military Justice (ICMJ) does not provide for 24-hour jurisdiction and this legislation changes that.

MOTION: **Rep. Bedke** moved to introduce **RS 19951**. **Motion carried on voice vote.**

Chairman Smith (24) welcomed the high school FFA members and leaders in the audience.

RS 20111: **Rep. Joe Palmer** presented **RS 20111**, which is legislation to provide for an Idaho Aviation license plate. The net proceeds will go to the Idaho Aviation Foundation for the purpose of grants relating to maintenance, upgrade and development of airstrips, and for improving access and promoting safety at backcountry and recreational airports in Idaho.

MOTION: **Rep. Nonini** moved to introduce **RS 20111**. **Motion carried on voice vote.**

Chairman Smith (24) asked committee members to review the set of rules before the next committee meeting on January 26. At that time, Rep. Phil Hart, Chairman of the Rules Subcommittee, will present the subcommittee's recommendation regarding these rules.

ADJOURN: There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 1:58 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 26, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Report on the Governor's Task Force on Modernizing Transportation Funding in Idaho	The Honorable Brad Little, Lieutenant Governor of Idaho
Presentation:	Central Issuance of Driver's License, Motor Vehicles	Ed Pemble, Driver Services Manager, Idaho Transportation Department (ITD)
RS20097:	Motor vehicles/crimes, punishment	Hal Putnam, Driver Services Program Manager, ITD
	Report from Hart Subcommittee on Rules	Representative Phil Hart
	<u>Rules from Idaho Tax Commission: (approved by subcommittee)</u>	
DOCKET NO. 39-0322-1001	Idaho motor fuels tax administrative rules	
DOCKET NO. 35-0105-1003	Idaho motor fuels tax administrative rules	
	<u>Rules from the Idaho Transportation Department: (approved by subcommittee)</u>	
DOCKET NO. 39-0322-1001	Rules governing overlegal permits for extra-length vehicle combinations	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Hart

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Nonini

Rep Hagedorn

Rep Palmer

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Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, January 26, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Hart, Representative(s) Wood(35), Bedke, Wills, Nonini, Hagedorn, Palmer, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None

GUESTS: The Honorable Brad Little, Lieutenant Governor of Idaho; Hal Putnam, Driver Services Program Manager, Idaho Transportation Department (ITD); Ed Pemble, Driver Services Manager, ITD; Heather Wheeler, Executive Director, Community Transportation Association of Idaho (CTAI); Max Pond, Risch, Pisca; Gordon Cruickshank, Valley County Commissioner and Member of Governor's Task Force; Diana Cox, Givens Pursley; Bob Uebelher, Connolly & Smyser; Mark Bauer, Governor's Task Force

Chairman Smith (24) called the meeting to order at 1:32 pm.

The Honorable Brad Little, Lieutenant Governor of Idaho, reported to the committee on the Governor's Task Force on Modernizing Transportation Funding in Idaho. Mr. Little said the Task Force was established by Governor Otter's Executive Order 2009-11 and met nine times in a period of 15 months. They formed a subcommittee to address public transportation funding needs and also a cost allocation subcommittee to address user equity between various vehicle classes. The task force accepted the findings of both subcommittees. Mr. Little said the task force received testimony and presentations on transportation funding needs from national experts, transportation-related organizations, state and local governments and members of the public. The topics the task force members studied included needs for state and local highway systems and metropolitan planning organizations, public transportation, capacity and safety enhancement, user equity, federal funding impacts, economic benefits and many others. Mr. Little said the task force confirmed Idaho's funding shortfall and voted to submit six recommendations to the Governor for consideration. The options studied and ranked by the task force should be forwarded for consideration by the Governor and Legislature. Revenue enhancements should be aligned to improve cost equity among various vehicle classes. Local jurisdictions should be allowed to increase public transportation revenue using the options outlined in the public-transportation portion of the Revenue Options Matrix. The germane committees should examine implementation of new methods to allocate funds to local jurisdictions in a manner that incentivizes efficiency and ensures the funds are used efficiently. The Legislature should accept the recommendation of the Legislative Alternative Funding Task Force to continue the 3% distribution from the state fuel tax to the Idaho Department of Parks and Recreation. The Legislative Alternative Funding Task Force should address a funding shift from the Idaho State Police to the State Highway Account, which causes the need for a new funding source for ISP. Mr. Little noted that deferred maintenance is the equivalent of deficit spending.

Gordon Cruickshank, Valley County Commissioner and Member of the Governor's Task Force, and **Mark Bauer**, Member of the Task Force, commented, saying local highway district surveys are now being collected and will be compiled by Local Highway Technical Assistance Council (LHTAC).

- MOTION:** **Rep. Ringo** moved to approve the minutes of the Hart Subcommittee on Rules of January 18 as written. **Motion carried on voice vote.**
- MOTION:** **Rep. Ringo** moved to approve the minutes of the Joint House Transportation and Defense Committee and Senate Transportation Committee meeting on January 20 as written. **Motion carried on voice vote.**
- MOTION:** **Rep. Ringo** moved to approve the minutes of the January 24 meeting as written. **Motion carried on voice vote.**
- Ed Pemble**, Driver Services Manager, ITD, made a presentation to the committee regarding central issuance. Mr. Pemble said the department will transition from an over-the-counter method of issuing driver's licenses and identification cards to a central issue production method. Instead of cards being issued at 53 locations, they will be issued at a central location provided by the vendor. The applicant will leave the driver licensing office with a temporary paper document that will be used for identity and driving purposes until the permanent plastic card is delivered in the mail. Idaho's central issuance will produce a higher security card while controlling costs. Software is being updated and the department has completed DMV software changes. The new system will launch in July, 2011. In response to questions from the committee, Mr. Pemble said the vendor's location is unmarked and secure, that the initial card license will have only a 30-day life, and that security is foremost in the department's handling of these paper and plastic documents.
- RS 20097:** **Hal Putnam**, Driver Services Program Supervisor, ITD, presented **RS 20097**. This legislation will bring the Administrative License Suspension program into compliance with a 2010 Idaho Court of Appeals ruling. That case involved the seizure of the license and the issuance of a temporary permit to an out-of-state driver who refused to submit to evidentiary testing for alcohol or drugs. Because there is a concern that this ruling could be applied or expanded to other scenarios, the department is proposing to strike the verbiage from Idaho Code that requires law enforcement to seize a current and valid license and to issue a temporary paper permit to all drivers, whether licensed in state or out of state under the ALS program. A May 1, 2011 effective date is proposed to enact the legislation. There is an approximate \$20,000 one-time cost to revise, reprint and distribute the ALS notification form statewide. Currently, the department experiences a high number of vacated suspensions. Enactment of this legislation will reduce that number, yielding ongoing annual revenue of approximately \$24,500 from additional reinstatement fees that may be collected on approximately 100 ALS actions each year where these incidents have occurred.
- MOTION:** **Rep. Ringo** moved to introduce **RS 20097**. **Motion carried on voice vote.**
- RULES:** **Rep. Hart** reported that the Hart Subcommittee on Rules has completed its review of the administrative rules. He said it is the recommendation of the subcommittee that all pending rules reviewed by this subcommittee from the Idaho Tax Commission and the Idaho Transportation Department be approved.
- MOTION:** **Rep. Hart** moved to recommend approval of **Docket 35-0105-1001** to the full committee. **Motion carried on voice vote.**
- MOTION:** **Rep. Hart** moved to recommend approval of **Docket 35-0105-1003** to the full committee. **Motion carried on voice vote.**
- MOTION:** **Rep. Hart** moved to recommend approval of **Docket 39-0322-1001** to the full committee. **Motion carried on voice vote.**

ADJOURN: There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 2:59 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 02, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20207</u>	Motor vehicles, loads	Charles Coulter, Idaho Coalition for Motorcycle Safety, Inc. (ICMS)
<u>RS20208</u>	Motor vehicles, moving farm tractors or implements	Rep. Gayle Batt
<u>H0061</u>	Motor vehicles, crimes/punishment	Hal Putnam, Driver Services Program Supervisor, Idaho Transportation Department (ITD)
<u>H0045</u>	License plates, Aviation Foundation	Rep. Joe Palmer
<u>H0017</u>	Transportation department/commercial driver requirement	Ed Pemble, Driver Services Manager, ITD

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Hart

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Nonini

Rep Hagedorn

Rep Palmer

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Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 02, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Hart, Representative(s) Wood(35), Bedke, Wills, Nonini, Hagedorn, Palmer, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None

GUESTS: Charles Coulter, Idaho Coalition for Motorcycle Safety, Inc. (ICMS); Rep. Gayle Batt; Hal Putnam, Driver Services Program Supervisor, Idaho Transportation Department (ITD); Rep. Joe Palmer; Ed Pemble, Driver Services Manager, ITD; Larry Taylor, Idaho Aviation Foundation; James Davies, Idaho Aviation Foundation; Ralph Powell, Idaho State Police (ISP); Charles Ketchum, ISP; Casey Hancuff, Boise Police Department; Ed Pemble, Driver Services Manager, ITD; John Barsness, Driver Services, ITD; Hal Putnam, Driver Records Program Supervisor, Division of Motor Vehicles, ITD; Amy Smith, Vehicle Services, ITD; Chris Fisher, Vehicle Services, ITD; Betsy Russell; Mollie McCarty, ITD; Jim Eavenson, ISP; Lincoln Smyser, Connolly, Smyser; Sen. Tim Corder

Chairman Smith (24) called the meeting to order at 1:30 pm.

MOTION: **Rep. Ringo** moved to approve the minutes of the January 26 meeting as written. **Motion carried on voice vote.**

RS 20207: **Sen. Tim Corder** introduced **Charles Coulter**, Idaho Coalition for Motorcycle Safety, Inc., (ICMS) and said Mr. Coulter would be presenting **RS 20207**. Mr. Coulter said this legislation will provide a statewide policy for load securement on all vehicles. It provides an exemption for forestry and agriculture products. He said there is no fiscal impact to the state or local jurisdictions. In response to questions, Mr. Coulter further explained the exemptions in this legislation.

MOTION: **Rep. Ringo** moved to introduce **RS 20207**. **Motion carried on voice vote.** **Rep. Wood** and **Rep. Bedke** requested that they be recorded as voting nay.

RS 20208: **Rep. Gayle Batt** presented **RS 20208**. Rep. Batt said that currently limitations as to size of vehicles do not apply to farm tractors or to implements of husbandry when tractors or implements are being incidentally operated upon the highway from one farm operation to another. Rep. Batt said this bill will broaden the exemption to allow for farm tractors and implements to be operated on the highway to travel to or return from place of maintenance or repair, or place of buying or selling.

MOTION: **Rep. Bedke** moved to introduce **RS 20208**. **Motion carried on voice vote.**

H 61: **Hal Putnam**, Driver Records Program Supervisor, Division of Motor Vehicles, ITD, presented **H 61**. Mr. Putnam said the purpose of this legislation is to bring the Administrative License Suspension (ALS) program as contained in Idaho Code into compliance with a 2010 Idaho Court of Appeals ruling regarding the seizure of the license and issuance of temporary permit to an out-of-state licensed driver who refuses to submit to, or submits to and fails, evidentiary testing for the presence of

alcohol or drugs, in violation of Idaho Code. In addition, by removing the requirement to seize any license and issue a temporary permit, the ALS procedure will be less complex and more efficient for law enforcement officers and the department to administer. It will also allow the driver (whether licensed in-state or out-of-state) whose license is otherwise valid and current, to proceed with a photo ID in possession that remains valid and current until a starting suspension date. Mr. Putnam said a May 1, 2011 effective date is proposed to enact the legislation in a timely manner and on a specific date to allow for a coordinated deployment with law enforcement. Mr. Putnam said there is an approximate \$20,000 one-time cost to revise, reprint and distribute the ALS notification form statewide. He also said that currently, due to procedural errors in the complex driver license seizure and temporary permit issuance process, the department experiences a high number of vacated suspensions. Mr. Putnam said passage of this legislation will reduce that number, yielding ongoing annual revenue of approximately \$24,500 from additional reinstatement fees that may be collected on approximately 100 ALS actions each year where these incidents have occurred. Mr. Putnam said that several members of law enforcement who are in support of this legislation were present and would stand for questions. **Officer Casey Hancuff**, Boise Police Department, testified **in favor of H 61**.

MOTION: **Rep. Hagedorn** moved to send **H 61** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Killen** will sponsor the bill on the floor.

H 45: **Rep. Joe Palmer** presented **H 45**, and said the purpose of this legislation is to provide for an Idaho Aviation license plate. The net proceeds will go to the Idaho Aviation Foundation for the purpose of grants relating to maintenance, upgrade and development of airstrips, and for improving access and promoting safety at backcountry and recreational airports in Idaho. Rep. Palmer said there shall be no negative fiscal impact to the general fund, and, according to Idaho Transportation Department, start-up fees will be approximately \$4,000, which will be paid by Idaho Aviation Foundation. **Lt. Jim Eavenson**, Idaho State Police, testified **in favor of H 45**.

MOTION: **Rep. Ellsworth** moved to send **H 45** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Chairman Smith (24)** requested that he be recorded as voting nay. **Rep. Palmer** will sponsor the bill on the floor.

H 17: **Ed Pemble**, Driver Services Manager, ITD, presented **H 17** regarding Commercial Drivers License (CDL) and medical certificate requirements. Mr. Pemble said this bill implements Federal Motor Carrier Safety Administration (FMCSA) requirements for CDL drivers and States. The federal deadline for States to implement is January 30, 2012. The requirement is that accurate and up-to-date information about the CDL holder's medical examiner's certificate will be provided by the CDL holders in a timely manner and that information will be contained electronically by States in compliance with the CDL regulations. Mr. Pemble said the programming expense is covered by a 100% CDL program improvement grant from FMCSA. Postage expense is not provided for the grant and is expected to be \$39,000 the first year and \$15,000 each year thereafter. Mr. Pemble said there is a greater impact for not implementing the legislation. **Lt. Jim Eavenson**, Idaho State Police, testified **in favor of H 417**.

MOTION: **Rep. King** moved to send **H 17** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Wood (35)** requested that she be recorded as voting nay. **Rep. King** will sponsor the bill on the floor.

H 18: **Chairman Smith (24)** reported that the sponsor of **H 18** has requested that this bill be **Held in Committee**. Chairman Smith (24) asked for unanimous consent to hold the bill in committee, which was granted without objection. The bill was reported held.

Chairman Smith (24) said there will be no meeting scheduled for Friday, February 4, and the next committee meeting will be on Tuesday, February 8.

ADJOURN: There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 2:33 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 08, 2011

SUBJECT	DESCRIPTION	PRESENTER
H 43	Military division, duty status	Lt. Col. Dave Dahle, Military Division
H 44	Military division, Adjutant General	Lt. Col. Dave Dahle, Military Division
RS20110C1	Rules of the road	Rep. Richard Wills

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 08, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representatives Bedke, Nonini

GUESTS: Lt. Col. David M. Dahle, Staff Judge Advocate, Military Division

Chairman Smith (24) called the meeting to order at 1:30 pm.

Chairman Smith (24) announced that Rep. Joe Palmer will serve as Vice Chairman of this committee for the remainder of this session. Chairman Smith (24) offered special thanks to Rep. Hart for four years of service as Vice Chairman of this committee.

MOTION: **Rep. Ringo** moved to approve the minutes of the February 2 meeting as written, with the exception of the spelling of Rep. Killen's name. **Motion carried on voice vote.**

H 43: **Lt. Col. David M. Dahle**, Staff Judge Advocate, Military Division, presented **H 43**, and said this legislation amends Idaho Code to clarify military jurisdiction over illegal drug use for Idaho National Guard members when not in a regular military duty status. This amendment states that for purposes of Section 46-1177, Idaho Code, members of the Idaho military shall be considered to be in a duty status at all times.

MOTION: **Rep. Wood (35)** moved to send **H 43** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.** **Rep. Bateman** will sponsor the bill on the floor.

H 44: **Lt. Col. David M. Dahle**, Staff Judge Advocate, Military Division, presented **H 44**. Col. Dahle said this legislation amends Idaho Code to add additional language clarifying the Adjutant General's authority over contracting and procurement for military and non-military facilities within the Military Division of the office of the Governor.

MOTION: **Rep. Hagedorn** moved to send **H 44** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.** **Rep. Hagedorn** will sponsor the bill on the floor.

RS 20110C1: **Rep. Wills** brought **RS 20110C1** to the committee.

MOTION: **Rep. Wills** moved to amend **RS 20110C1** by adding an emergency clause and introduce as amended. **Motion carried on a voice vote.** **Rep. Wood (35)** requested that she be recorded as voting nay.

Chairman Smith (24) announced that the next committee meeting will be Thursday, February 10.

ADJOURN: There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 1:45 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 10, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20351</u>	Recreational activities	Mckinsey Miller, Polaris
<u>RS20193C1</u>	High Occupancy Vehicle Lane	Rep. Phylis K. King
<u>RS20275</u>	Rules of the Road	Norman M Semanko, Idaho Water Users Association
PRESENTATION	Annual Report of the Local Highway Assistance Council to include an update of the status of the local stimulus projects (American Recovery and Reinvestment Act of 2009) and a presentation of efforts to address the efficiency of local highway jurisdictions.	Lance Holmstrom, Local Highway Administrator, Local Highway Technical Assistance Council (LHTAC)

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 10, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative(s) Bedke, Ellsworth

GUESTS: Dave Goins, Idaho News Service; Brent Jennings, Idaho Transportation Department (ITD); Bryce Farris, Ringert Law; Troy Elmore, Idaho Parks & Recreation; McKinsey Miller, Gallatin Public Affairs; Lyn Darrington, Gallatin Public Affairs; Jim Zier, Asset Manager, Local Highway Technical Assistance Council (LHTAC); Lance Holmstrom, LHTAC; Russ Hendricks, Farm Bureau; Lincoln Smyser, Connolly & Smyser; Norman M. Semanko, Executive Director, Idaho Water Users Association

Chairman Smith (24) called the meeting to order at 1:30 pm.

MOTION: **Rep. Wood** moved to approve the minutes of February 8 as written. **Motion carried on voice vote.**

RS 20351: **McKinsey Miller**, Gallatin Public Affairs, representing Polaris Industries, presented **RS 20351**, and said this legislation represents two changes to the Code. Ms. Miller said this amends the definition of all-terrain vehicle, removing the reference to weight. It amends the definition of utility type vehicle to include a recreational off-highway vehicle or ROV.

MOTION: **Rep. Wills** moved to introduce **RS 20351**. **Motion carried on voice vote.**

RS 20193C1: **Rep. King** presented **RS 20193C1**, and said the purpose of this legislation is to allow the Idaho Transportation Department (ITD) to build a High Occupancy Vehicle lane when appropriate. Rep. King said it would also allow maintenance vehicles to use the lane when necessary to perform maintenance of that lane. In response to questions from the committee, Rep. King said this legislation gives ITD a tool and ITD would determine the funding.

MOTION: **Rep. Killen** moved to introduce **RS 20193C1**. **Motion carried on voice vote.** **Rep. Hagedorn** and **Rep. Palmer** requested that they be recorded as voting nay.

RS 20275: **Norman M. Semanko**, Executive Director, Idaho Water Users Association, presented **RS 20275**. Mr. Semanko said this legislation relates to the rules of the road. This legislation amends Idaho Code to provide an exception to application of specified law for owners or operators of a ditch, canal, conduit or drain while engaged in work within and pursuant to a right-of-way for the same.

MOTION: **Rep. Wood** moved to introduce **RS 20275**. **Motion carried on voice vote.**

Lance Holmstrom, Local Highway Administrator, Local Highway Technical Assistance Council (LHTAC), presented the annual report of the Local Highway Assistance Council, including an update of the status of the local stimulus projects (American Recovery and Reinvestment Act of 2009), and a presentation of efforts to address the efficiency of local highway jurisdictions.

Chairman Smith (24) announced that the next committee meeting will be Monday, February 14.

ADJOURN: There being no further business before the committee, **Chairman Smith (24)** adjourned the meeting at 2:40 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 14, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20258C1</u>	Physician reporting on Impaired Drivers	Molly Steckel, Idaho Medical Association
<u>S 1011</u>	Rules of the Road	Michael Henderson, Legal Counsel, Idaho Supreme Court
<u>RS20264</u>	Motor Vehicles, Overweight Loads	Rep. Tom Trail
<u>RS20311</u>	Rules of the Road/Bicycles	Rep. Roy Lacey
<u>RS20394</u>	Revises the procedure for the tax treatment of the off-road use of motor fuels	Rep. William M. "Bill" Killen
	Presentation: Public Transportation Update	Heather Wheeler, Executive Director, Community Transportation Association of Idaho (CTAI)

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 14, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative(s) Wills

GUESTS: Michael Henderson, Legal Counsel, Idaho Supreme Court; Kathleen Simko, Public Transportation Advisory Council, Idaho District Coordinating Council; Ralph Powell, Idaho State Police; Skip Smyser, Idaho Trucking Association

Chairman Smith (24) called the meeting to order at 1:30 pm.

MOTION: **Rep. Killen** moved to approve the minutes of February 10 as written. **Motion carried on voice vote.**

RS 20264: **Rep. Trail** presented **RS 20264**, regarding permits for overweight loads of motor vehicles. Rep. Trail said this legislation would amend Idaho Code to provide for a public hearing, to provide for notice, to provide for promulgation of rules and to make technical correction, and would provide an effective date. Rep. Trail said there would be only minimal fiscal impact which would be the cost of holding a public hearing by Idaho Transportation Department (ITD). In response to questions, Rep. Trail said more public involvement in the process of approval of megaloads is requested.

MOTION: **Rep. Ringo** moved to introduce **RS 20264**.

SUBSTITUTE MOTION: **Rep. Wood (35)** offered a substitute motion, to **return RS 20264 to sponsor**.

SUBSTITUTE MOTION ROLL CALL VOTE: A **roll call vote** was requested on the Substitute Motion. By a vote of **11 aye** and **3 nay**, the **motion carried**. Voting in the affirmative: Reps. **Palmer, Wood (35), Bedke, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Smith (24)**. Voting in the negative: Reps. **Ringo, King, Killen**.

RS 20311: **Rep. Lacey** presented **RS 20311**, regarding rules of the road. Rep. Lacey said this legislation makes provisions relating to motorists passing bicycles, other human-powered vehicles, pedestrians, runners, persons on horseback or other human or animal-powered vehicles including wheelchairs in the same direction and in the same lane when there is oncoming traffic. This legislation provides that such drivers shall allow oncoming vehicles at least one-half the main traveled portion of the roadway. Motorists will allow listed users of the road, including wheelchairs at least a three-foot separation, to provide that those listed shall turn off or step off the roadway to allow following vehicles to pass. This legislation also makes a technical correction.

MOTION: **Rep. Bateman** moved to introduce **RS 20311**.

ROLL CALL VOTE: A **roll call vote** was requested. By a tie vote of **7 aye** and **7 nay**, the **motion failed**. Voting in the affirmative: Reps. **Bateman, Ellsworth, Henderson, Ringo, King, Killen, Smith (24)**. Voting in the negative: Reps. **Wood (35), Bedke, Hart, Nonini, Hagedorn, Palmer, Nessel**.

- RS 20258C1:** **Molly Steckel**, Idaho Medical Association, presented **RS 20258C1**, and said this legislation amends Idaho Code to provide that a physician who has reason to believe that a person is incompetent to drive a motor vehicle may submit a report, to provide for notice and to provide that if a physician submits a report in good faith, no professional disciplinary procedure, no monetary liability and no cause of action may arise against the physician for submission of the report.
- MOTION:** **Rep. King** moved to introduce **RS 20258C1**. **Motion carried on voice vote.**
- S 1011:** **Michael Henderson**, Legal Counsel, Idaho Supreme Court, presented **S 1011**, and said this legislation clarifies driver duties upon approaching a stationary police vehicle or an authorized emergency vehicle displaying flashing lights. Defects in the law concerning the first subsection have been discovered and this legislation makes the correction.
- MOTION:** **Rep. Ellsworth** moved to send **S 1011** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Ellsworth** will sponsor the bill on the floor.
- RS 20394:** **Rep. Killen** presented **RS 20394**, and said this revises the procedure for the tax treatment of the off-road use of motor fuels. Rep. Killen said that rather than relying on the use of dyed fuel exempt upon passage of this bill from Idaho's tax on motor fuel, off-road users may claim an appropriate adjustment or rebate on their income tax return. He said that essentially the record keeping and reporting burden falls to the user rather than the state. Rep. Killen said the present estimate is that about 10% of dyed diesel is being improperly used, representing about a \$4.9 million loss to the State of Idaho annually. Allowing for something less than 100% recapture and an increase in the processing of refund claims, about \$3 to \$3.5 million could be realized. **Dan John**, Idaho Tax Commission, said that under existing law, claimants can file monthly for a refund and then reconcile on an annual basis.
- MOTION:** **Rep. King** moved to introduce **RS 20394**. **Motion carried by voice vote.**
- Heather Wheeler**, Executive Director, Community Transportation Association of Idaho (CTAI), presented an update on public transportation in Idaho. Ms. Wheeler spoke on behalf of the Interagency Working Group on Public Transportation and the Public Transportation Advisory Council. She explained the structure to improve coordination, described the process for local decision making, illustrated the importance of local authority, and spoke of the challenges and successes of the Idaho Highway Program, I-way.
- ADJOURN:** There being no further business before the committee, the meeting was adjourned at 2:57 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AMENDED #1 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 16, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H 91</u>	Motor Vehicles/Loads	Charles Coulter, Idaho Coalition for Motorcycle Safety, Inc. (ICMS)
<u>H 144</u>	Fuel tax distribution, restored	Rep. Ken Roberts
<u>H 145</u>	Recreational activities	Mckinsey Miller, Polaris Industries, Inc.
<u>S 1060</u>	Intermodal commerce authorities	John Watts, Veritas Advisors

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 16, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None.

GUESTS: Stacey Axmaker, Idaho STAR Program; Michelle Audette, Tina Brown, Bree Walker, Fuzzy, Doug Slagle, Karen Stewart, and Scott Ward, ABATE (A Brotherhood Against Totalitarian Enactments) of Southern Idaho; Kimberly K. Young, Judy Petersen, Brooke Hanson, Wayne Wiersen, Dr. Gary L. Kieffner, and Lane Triplett, Idaho Coalition for Motorcycle Safety, Inc. (ICMS); Joel Robinson, Christian Motorcyclists; Eddie Pinson, ICMS CMA; Captain Bill Reese, Idaho State Police (ISP); Amy Smith, Idaho Transportation Department (ITD); Larry Graves, Citizen; Lt. Ben Keyes, Canyon County Sheriff; Chief Deputy Donnie Wunder, Gem County Sheriff's Department; Nancy Merrill, Idaho Parks and Recreation; Jake Hensinkveld, Citizen

Chairman Smith (24) called the meeting to order at 1:30 p.m.

H 91: **Charles Coulter**, Idaho Coalition for Motorcycle Safety, Inc. (ICMS), presented **H 91**, and said this legislation will provide a statewide policy for load securement on all vehicles. It provides an exemption relative to forestry and agriculture products. He said this legislation seeks safer riding conditions for motorcyclists and would allow law enforcement action.

Joel Robinson, Boise Chaplain, Christian Motorcyclists, testified **in favor of H 91**. Mr. Robinson said he is chaplain of several motorcycle groups and feels this legislation would provide greater safety for all motorcyclists.

Captain Bill Reese, Idaho State Police (ISP), testified **in favor of H 91**, and said he would support amendments necessary to make the bill pass.

Jake Hensinkveld, Boise Citizen, testified **in favor of H 91**. Mr. Hensinkveld said Ada County reported difficulties in enforcement of an ordinance similar to this legislation. He said it would be good to get state legislation.

Senator Corder testified **in favor of H 91**. He said Captain Reese and the agricultural industry representatives agree with the language of this legislation.

Michelle Audette, Kuna, ABATE (A Brotherhood Against Totalitarian Enactments) of Southern Idaho testified **in opposition to H 91**. Ms. Audette said this bill presents an unequal law. She said the current law is okay and needs enforcement.

**ORIGINAL
MOTION:** **Rep. Bedke** moved to send **H 91 to General Orders**.

**SUBSTITUTE
MOTION:** **Rep. Ellsworth** offered a Substitute Motion to **HOLD H 91** in committee subject to call of the Chair. **Motion carried on voice vote.**

Mr. Coulter, Rep. Bedke, Rep. Ellsworth, and Captain Reese will prepare an amendment to this bill concerning load covers and how they would be regulated. Mr. Coulter took responsibility for getting the participants together, formulating an amendment, and delivering it to the Chairman.

H 144: **Rep. Roberts** was scheduled to present **H 144**.

MOTION: **Rep. Wills** moved to **HOLD H 144** in committee subject to call of the Chair. Rep. Wills said that an unspecified technical correction was necessary. **Motion carried on voice vote.**

H 145: **Mckinsey Miller**, Gallatin Public Affairs, representing Polaris Industries, presented **H 145**, stating that this legislation amends the definition of all-terrain vehicle by removing the reference to weight, and amends the definition of utility type vehicle to include a recreational off-highway vehicle (ROV). Ms. Miller stated that **H 145** needed to be amended regarding placement of the definitions in Idaho Code and that the amendments have been prepared.

MOTION: **Rep. Hagedorn** moved to send **H 145 to General Orders** with amendments to the floor. **Rep. Wood (35)** seconded the motion. **Motion carried on voice vote.** **Rep. Wood** will sponsor the bill on the floor.

S 1060: **John Watts**, Veritas Advisors, representing Watco Railroad Companies, presented **S 1060**. Mr. Watts said this legislation authorizes the Legislature to create an intermodal commerce authority in each city in addition to each county. He said the purpose of an intermodal commerce authority is to promote and coordinate efficient freight transportation and build industrial and shipping commerce infrastructure for related economic development using private-public revenue bonds. Mr. Watts said counties remain authorized to have intermodal commerce authorities. For a city to implement this authority, the city council must pass a local ordinance consistent with public notification, processes and public hearings. He said use of property tax bonds or levies is expressly prohibited. Mr. Watts said there is no fiscal impact to the General Fund. Mr. Watts said the state's growth presents a need to extend to cities the authority given to counties in 2004.

MOTION: **Rep. Ellsworth** moved to send **S 1060** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Ellsworth** will sponsor the bill on the floor.

Rep. Wood (35) reported to the committee on the status of the Department of Motor Vehicles (DMV) fee increases passed in the 2009 legislative session. Rep. Wood said the annual revenue generated was used to fund costs of the DMV modernization project and new management systems. Any remainder, when available, will be used for highway system operations, maintenance and construction.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 3:14 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H 146</u>	Motor vehicles	Representative Phylis K. King
<u>H 147</u>	Rules of the road	Norman M. Semanko, Executive Director, Idaho Water Users Association
<u>S 1050</u>	Highways, Medal of Honor	Senator John W. Goedde
<u>H 161</u>	Motor fuels tax, dyed fuels	Rep. William "Bill" Killen
<u>H 144</u>	Fuel tax distribution, restored	Rep. Ken Roberts

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 22, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None

GUESTS: Brent Jennings, Idaho Transportation Department (ITD); Dave Ricks, Idaho Parks & Recreation; Ben Keyes, Canyon County Sheriff's Office; George Prentice, Boise Weekly; Nancy Merrill, Director, Idaho Parks & Recreation; Norm Semanko, Idaho Water Users Association; Heather Wheeler, Executive Director, Community Transportation Association of Idaho; Bryce Farris, Ringert Law; Adena Cook, Blue Ribbon Coalition; Tamara Humiston, Idaho Parks & Recreation; Dave Claycomb, Idaho Parks & Recreation; Lucas Baumbach, Chairman, Republican Party, District 17; Russ Hendricks, Farm Bureau; Daren R. Coon, Nampa-Meridian Irrigation District; Bob Uebelher, Connolly & Smyser; Dar Olberding, Idaho Grain Producers Association

Chairman Smith (24) called the meeting to order at 1:30 p.m.

MOTION: **Rep. Ringo** moved to approve the minutes of February 14 as written. **Motion carried on voice vote.**

MOTION: **Rep. Ringo** moved to approve the minutes of February 16 as written. **Motion carried on voice vote.**

Chairman Smith (24) encouraged committee members to read the letter of February 16 signed by Mollie McCarty, Idaho Transportation Department. This letter was written in response to a request for the department to examine the federal transportation funds Idaho misses out on due to current practices or legislative policy.

Chairman Smith (24) introduced **Jenee Walters** of St. Maries, who will be serving this committee as page for the remainder of this session.

H 146: **Rep. King** presented **H 146** and said the purpose of this legislation is to allow the Idaho Transportation Department (ITD) to build a High Occupancy Vehicle lane when appropriate. She said it would also allow maintenance vehicles to use the lane when necessary to perform maintenance of that lane. Rep. King listed benefits and regulations usual in monitoring HOV lanes. She said this legislation gives ITD a tool for future use. Committee members discussed implementation of this bill.

Brent Jennings, Highway Operations and Safety Engineer, ITD, testified **in favor of H 146**. **Heather Wheeler**, Executive Director, Community Transportation Association of Idaho, testified **in favor of H 146**.

MOTION: **Rep. Ringo** moved to send **H 146 to General Orders** with an unspecified amendment. **Rep. Killen** seconded the motion.

SUBSTITUTE MOTION: Rep. Nonini offered a substitute motion to **HOLD H 146** in committee.

AMENDED SUBSTITUTE MOTION: Rep. Killen offered an amended substitute motion, to send **H 146 to General Orders** with an unspecified recommended amendment.

ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION: A roll call vote was requested on the amended substitute motion to send **H 146 to General Orders**. By a vote of **5 aye** and **10 nay**, the **amended substitute motion failed**. Voting in the affirmative: **Reps. Wills, Ringo, King, Killen, Smith (24)**. Voting in the negative: **Reps. Palmer, Wood (35), Bedke, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel**.

ROLL CALL VOTE ON SUBSTITUTE MOTION: A roll call vote was requested on the substitute motion to **HOLD H 146** in committee. By a vote of **12 aye** and **3 nay**, the **substitute motion passed**. Voting in the affirmative: **Reps. Palmer, Wood, Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Smith (24)**. Voting in the negative: **Reps. Ringo, King, Killen**.

H 147: **Norman Semanko**, Executive Director, Idaho Water Users Association, presented **H 147**. He explained that this legislation clarifies that work upon a ditch, canal, conduit or drain and within a right-of-way for said ditch, canal, conduit or drain is exempt from the application of Chapter 6, Title 49, Idaho Code. Mr. Semanko said there is no fiscal impact on the General Fund.

MOTION: **Rep. Wills** moved to send **H 147** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Wills** will sponsor the bill on the floor.

H 161: **Rep. Killen** brought **H 161** to the committee. **Rep. Killen** asked to **HOLD H 161** in committee **until March 8, 2011**. There being no objection, **H 161** will be held in committee until March 8, 2011.

H 144: **Rep. Roberts** presented **H 144**. He stated this legislation reverses the impacts of **H 376** of 2009 scheduled to take effect on July 1, 2011. Rep. Roberts said it shifts money back to the Idaho State Police and the Idaho Department of Parks and Recreation on an ongoing basis. He said it changes the distribution percentages of the Highway Distribution Account back from 62% to 57% for the Idaho Transportation Department and reinstates the 5% distribution to the Idaho State Police. Rep. Roberts said this bill restores the 3% distribution from the gasoline tax to the Idaho Department of Parks and Recreation.

Nancy Merrill, Director, Idaho Parks & Recreation, and **Ben Keyes**, Canyon County Sheriff's Office, testified **in favor of H 144**.

MOTION: **Rep. Bedke** moved to send **H 144** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Roberts** will sponsor the bill on the floor.

S 1050: **Sen. Goedde** presented **S 1050**, stating that this legislation names State Highway 3 as the North Idaho Medal of Honor Highway. Sen. Goedde said that with the recent passing of Vernon Baker from St. Maries, it is an appropriate time to recognize the exceptional valor displayed by recipients of our nation's highest military honor. Sen. Goedde said there is no fiscal impact to the state and any signage will be provided through donations. Sen. Goedde said there are three living Idahoans who are recipients of the Medal of Honor.

MOTION: **Rep. Nonini** moved to send **S 1050** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Reps. Nonini and Henderson** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 2:39 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H 160</u>	Motor vehicle drivers licenses	Molly Steckel, Idaho Medical Association
<u>S 1059</u>	Aeronautics Program	John V. DeThomas, Idaho Transportation Department
<u>S 1061</u>	Motor Vehicles, definition revised	Trent Wright, Idaho Automobile Dealers Association
<u>S 1062</u>	Vehicle registration/dealer licensing	Trent Wright, Idaho Automobile Dealers Association
<u>S 1073</u>	Veterans license plates	Sen. Diane Bilyeu

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 24, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Rep. Bedke

GUESTS: Molly Steckel and Susie Pouliot, Idaho Medical Association; Dr. Bill Woodhouse, Idaho State University Family Practice Residency Program, Pocatello, ID; John V. DeThomas, Amy Smith, and Dave Tolman, Idaho Transportation Department (ITD); Trent Wright, Executive Vice-President, Idaho Automobile Dealers Association; Rep. Elaine Smith (30).

Chairman Smith (24) called the meeting to order at 1:30 pm.

MOTION: **Rep. Ringo** moved to approve the minutes of February 22 as written. **Motion carried on voice vote.**

H 160: **Molly Steckel**, Idaho Medical Association, presented **H 160**. Ms. Steckel said this legislation provides that a physician who has reason to believe that a person is incompetent to drive a motor vehicle may submit a report to the Idaho Transportation Department (ITD). If a physician submits a report in good faith, no professional disciplinary procedure, no monetary liability and no cause of action may arise against the physician for submission of the report. Ms. Steckel said this legislation has no fiscal impact.

Dr. Bill Woodhouse, Idaho State University Family Practice Residency Program, Pocatello, testified **in favor of H 160**. Dr. Woodhouse described his personal experience with a patient case which he reported and he detailed the legal ramifications which ensued over an 8-year period.

MOTION: **Rep. Palmer** moved to send **H 160** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Hagedorn** will sponsor the bill on the floor.

S 1059: **John V. DeThomas**, Idaho Transportation Department (ITD), presented **S 1059**, and said this legislation establishes statutory authority for the appropriation of state funds for operational and capital replacement costs in the Aeronautics air flight program. Mr. DeThomas said Aeronautics currently receives spending authority that is not constitutionally nor statutorily restricted from the department's annual legislative appropriations. This legislation clarifies the practice in statute. Mr. DeThomas said that since this is current practice there is no fiscal impact if this proposal should pass.

MOTION: **Rep. Wood (35)** moved to send **S 1059** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Nessel** will sponsor the bill on the floor.

- S 1061:** **Trent Wright**, Executive Vice-President, Idaho Automobile Dealers Association, presented **S 1061**. Mr. Wright said this bill establishes that a licensed Idaho dealer may elect to store Department required documentation in an electronic format or at a secure off-site location. Mr. Wright said this legislation provides for better consumer protection by the facility of purchase. He said there is no fiscal impact to the General Fund.
- Amy Smith**, Idaho Transportation Department, said that the Department has no problem with this legislation and that the Department will feel no fiscal impact.
- MOTION:** **Rep. Nonini** moved to send **S 1061** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Nonini** will sponsor the bill on the floor.
- S 1062:** **Trent Wright**, Executive Vice-President, Idaho Automobile Dealers Association, presented **S 1062**, and said the purpose of this legislation is to create a new class of license plate, Dealer Laden Plate. This allows licensed Idaho dealers to use inventoried vehicles for transporting vehicles. The operating fee for this plate will be equal to the fees for commercial vehicles. The laden dealer plate would be issued with the following limitations: only used on a power unit which is in the inventory of the dealer, only used in connection with the dealer's business to move vehicles as specifically outlined, and not used for personal use. Mr. Wright said ITD provided the language for this legislation, and he said there would be no fiscal impact to the General Fund.
- Amy Smith**, Idaho Transportation Department, said there would probably be some revenue to the Department, but it is hard to estimate.
- MOTION:** **Rep. Nonini** moved to send **S 1062** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Nonini** will sponsor the bill on the floor.
- S 1073:** **Rep. Elaine Smith (30)** presented **S 1073**, stating this legislation creates a license plate that will be made available to veterans who have served in the Post 9/11 Afghanistan or Iraqi Conflicts. Rep. Smith said part of the fees collected for these license plates will go toward maintaining the Veterans Cemetery and there will be no fiscal impact to the General Fund.
- Amy Smith**, Idaho Transportation Department, said that typically programming costs are absorbed by ITD. She said veteran plates do not have minimum sales to be achieved after the first three years in production.
- MOTION:** **Rep. Ellsworth** moved to send **S 1073** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hart** requested that he be recorded as voting nay. **Rep. Smith (30)** will sponsor the bill on the floor.
- ADJOURN:** There being no further business before the committee, the meeting adjourned at 2:25 pm.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
H 141	Motor vehicles, electronic devices	Rep. Marv Hagedorn

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 28, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None.

GUESTS: Max Pond, Risch, Pisch; Jim Trent and Lyn Darrington, State Farm Insurance Co.; Holly Koole, Idaho Prosecuting Attorneys Association; Ken Grimmett and Michelle Audette, ABATE (A Brotherhood Against Totalitarian Enactments) of Southern Idaho; Dave Carlson, Director, Public & Government Affairs, AAA Idaho; Paul Jackson, Farmers Insurance; Michael Kane, Property Casualty Insurers Association and Idaho Sheriff's Association; Morgan (Woody) Richards, Allstate Insurance Company; Dennis Tanikuni, Idaho Farm Bureau; Jessie Bonner, Associated Press; Colton Grainger, Luke Cabner.

Chairman Smith (24) called the meeting to order at 1:34 pm.

H 141: **Rep. Hagedorn** presented **H 141**, stating this bill adds an infraction violation for driving while distracted while using an electronic handheld device. Rep. Hagedorn said that if a driver is using a handheld device while driving and it distracts the driver from exercising due care, law enforcement may cite the driver. This bill allows law enforcement to stop a driver prior to an accident in the case of distracted driving behavior. The fine would be \$75. Rep. Hagedorn said that if a driver is exercising due care while using a handheld device, there is no reason to be stopped by law enforcement. Rep. Hagedorn said he had a prepared amendment, in the event the committee chose to send this bill to the floor.

Dave Carlson, Director, Public & Government Affairs, AAA Idaho, testified **in opposition to H 141**. Mr. Carlson said **H 141** does not specifically define texting, posing enforceability questions, and does not prohibit the use of handheld devices.

Michael Kane, representing Property Casualty Insurers Association and Idaho Sheriff's Association, testified **in favor of H 141**. Mr. Kane said **H 141** would give law enforcement a good tool.

Morgan (Woody) Richards, Allstate Insurance Company, testified **in favor of H 141**, and said he concurs with **Mr. Kane's** testimony.

Michelle Audette, ABATE (A Brotherhood Against Totalitarian Enactments) of Southern Idaho, testified **in opposition to H 141** and also said that she is also not in support of either **S 1024** and **S 1025**. Ms. Audette said it is difficult to make laws covering common sense issues and that the language of **H 141** is too vague.

Colton Grainger, Meridian, testified **in favor of H 141**. Mr. Grainger said the social norm among teenagers is to text and drive. He said legislation is needed to change this policy and allow law enforcement to act.

Lyn Darrington, State Farm Insurance Company, testified **in favor of H 141**. Ms. Darrington said State Farm supports no texting while driving.

Luke Cabner, Meridian, testified **in opposition to H 141**, stating that law enforcement officers feel this bill does not address the issues.

Rep. Hagedorn said national cell phone providers do not keep texting records longer than five days; therefore, records would not be available for the courts. He said texting causes distracted behavior and the objective of the bill is not to define what causes the behavior, but to limit distracted behavior.

**ORIGINAL
MOTION:**

Rep. Hagedorn moved to send **H 141 to General Orders** with amendment attached. **Rep. Bateman** seconded the motion.

**SUBSTITUTE
MOTION:**

Rep. King offered a substitute motion to **HOLD H 141** in committee for a time certain.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. Killen offered an amended substitute motion to send **H 141 to General Orders** and to add on line 19, following "telephone number:" "Provided, however, in all cases texting shall be a violation of this section; texting means the manual entry of data into such device." **Rep. Ringo** seconded the amended substitute motion.

WITHDRAWAL:

Rep. Killen moved to **withdraw** his amended substitute motion with permission of **Rep. Ringo**. The motion was granted without objection and the amended substitute motion was withdrawn.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

A **roll call vote** was requested on the substitute motion. By a vote of **8 aye** and **7 nay**, the **substitute motion passed**. Voting in the affirmative: **Reps. Wood (35), Wills, Hart, Nonini, Ellsworth, Henderson, Nessel, and King**. Voting in the negative: **Reps. Palmer, Bedke, Hagedorn, Bateman, Ringo, Killen, and Smith (24)**.

Chairman Smith (24) said **H 141** will be **held in committee until March 10, 2011**.

ADJOURN:

There being no further business before the committee, the meeting was adjourned at 3:07 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AMENDED #1 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M. or Upon Adjournment
Room EW40
Wednesday, March 02, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H 199</u>	Abandoned highway/right-of-way access	Rep. Rusche
<u>H 91</u>	Motor Vehicles, loads	Charles Coulter, Idaho Coalition for Motorcycle Safety, Inc. (ICMS)
<u>H 193</u>	Motor vehicles	Rep. Harwood

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 02, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative Killen

GUESTS: Dr. Gary Kieffner, Brooke Hanson, Charles Coulter, Lane Triplett, and Wayne Wierson, Idaho Coalition for Motorcycle Safety (ICMS); Barbara Jorden, Idaho Trial Lawyers Association; Lyn Darrington, State Farm Insurance Co.; Larry Allen, Attorney General's Office.

Chairman Smith(24) called the meeting to order at 3:37 p.m.

H 199: **Rep. Rusche** requested the Committee hold this bill until he and others involved with the bill could work out some issues. He said he wasn't sure if the bill would be amended or if they will have a new bill.

Chairman Smith(24) asked **unanimous consent** to hold **H 199** at the call of the chair. There being no objection, **H 199** will be held at the call of the chair.

H 193: **Rep. Harwood** asked the Committee to hold **H 193** in order to get an opinion from the Attorney General's Office.

H 91: **Charles Coulter**, Idaho Coalition for Motorcycle Safety, said he had drafted amendments to the bill.

Rep. Bedke said he had revised amendments for the bill. He reviewed the proposed amendments saying in subparagraph 4 it is required that no vehicle shall be operated on any public highway unless such vehicle's load is secured to prevent the load from becoming loose, detached or a hazard to other users of the highway. He said in subparagraph 5 it is required that no person may operate on any public highway any vehicle with any load unless the load is secured and such covering as required thereon and must be securely fastened to prevent the covering or load from becoming loose, detached or a hazard to other users of the highway. Rep. Bedke said subparagraph 6 provides for a load to be covered if any vehicle is carrying dirt, sand or gravel unless there is six inches of freeboard. Subparagraph 7 exempts government, quasi-government, their agents or employees of contractors in performance of maintenance or construction of a highway from subparagraphs 5 and 6. He said subparagraphs 5 and 6 are exempted to vehicles owned by canal companies, irrigation districts, lateral ditch associations, water districts or other irrigation water delivery or management entities or their employees performing construction or maintenance of facilities, in subparagraph 8. Rep. Bedke said in subparagraph 9 it also exempts agricultural products or agricultural by products being carried to or from the field or to market, from subparagraphs 5 and 6.

Chairman Smith(24) asked **Mr. Coulter** for a response to the new amendments, as Mr. Coulter hadn't seen these changes yet. Mr. Coulter said the changes accomplish motorcycle safety and do meet with what his coalition is expecting and hoping for with the legislation.

Rep. Wood(35) questioned the purpose of the bill because it seemed everyone but garbage trucks are exempted out of the bill. **Rep. Bedke** gave examples of loads that would need to be secured and what was exempt and why these exemptions were added. He said operators of vehicles have a responsibility to not create a hazard for others on the road but the legislation allows flexibility with certain vehicles.

MOTION: **Rep. Hagedorn** moved to send **H 91** to **General Orders** with the suggested amendments attached. **Rep. Bedke seconded the motion. Motion carried on a voice vote**, with **Rep. Wood(35)** being recorded as voting **Nay**. **Rep. Bedke** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 4:00 p.m.

Representative Smith(24)
Chair

Susan Werlinger
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, March 10, 2011

SUBJECT	DESCRIPTION	PRESENTER
H 161	Motor fuels tax, dyed fuels	Rep. Killen
H 193	Motor Vehicles	Rep. Harwood
H 141	Motor vehicles, electronic devices	Rep. Hagedorn
H 228	Motor vehicles, size/load exception	Rep. Batt

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, March 10, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke (Bedke), Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None.

GUESTS: Parrish Miller, Citizen, Alan Frew and Reymundo Rodriguez, Idaho Transportation Department (ITD); Barbara Jordan, Idaho Trial Lawyers Association; Hannah Brass, American Civil Liberties Union (ACLU); Jim Trent and Lyn Darrington, State Farm Insurance Companies; Dennis Tanikuni and Kent Lauer, Idaho Farm Bureau; Lane Triplett, Citizen; Holly Koole, Idaho Prosecuting Attorneys Association (IPAA); Dave Olberding, Idaho Grain Producers Association (IGPA); Bob Uebelher, Connolly & Smyser; Woody Richards, Allstate Insurance Company; Paul Jackson, Farmers Insurance Group; Phil Barber, American Insurance Association; Michael Kane, Idaho Sheriffs Association and Property Casualty Insurers Association; Dave Carlson, AAA Idaho; Michelle Audette, ABATE (A Brotherhood Against Totalitarian Enactments) of Southern Idaho.

Chairman Smith (24) called the meeting to order at 1:30 p.m.

Chairman Smith (24) welcomed **Rep. Sarah Bedke** to the committee. Rep. Bedke will be serving in the stead of **Rep. Scott Bedke** during his medical leave of absence.

MOTION: **Rep. Ringo** moved to approve the minutes of the February 22, 2011 meeting as written. **Motion carried on voice vote.**

MOTION: **Rep. Ringo** moved to approve the minutes of the February 24, 2011 meeting as written. **Motion carried on voice vote.**

MOTION: **Rep. Ringo** moved to approve the minutes of the February 28, 2011 meeting as written. **Motion carried on voice vote.**

MOTION: **Rep. Ringo** moved to approve the minutes of the March 2, 2011 meeting as written. **Motion carried on voice vote.**

H 161: **Rep. Killen** presented **H 161**. Rep. Killen said he and others have been working on changes to this legislation and have no definite decisions yet.

Rep. Killen requested that **H 161** be **held** in committee. There being no objection, **H 161** will be held in committee indefinitely.

H 193: **Rep. Harwood** presented **H 193**. He said this bill is needed to curtail frivolous lawsuits regarding the movement of megaloads on Idaho highways. Rep. Harwood said lawsuits interfere with commerce. This bill implements a 5% bond or an amount equal to and not less than 5% of the value of the product to be transported. This bill provides for reimbursements for lost revenue when the judgment is against the plaintiff. Rep. Harwood said the amendment adds clarifying language and changes the 5% to apply to insured value of the shipped product. It also adds an emergency clause.

MOTION:

Rep. Wood (35) moved to send **H 193** to **General Orders** with the committee amendment attached. **Rep. Palmer** seconded the motion.

Alan Frew, Idaho Transportation Department (ITD), in response to a question, said it is a Department administrative rule that a bond can be required in potential case of an extraordinary hazard and that the bond would be set at sufficient and reasonable replacement costs and damages.

Barbara Jordan, Idaho Trial Lawyers Association, said she is "kind of" against this bill and she is opposed to some technicalities. Ms. Jordan is not opposed to the bond but disagrees with the language applying to amount of bond and recovery of fees and costs.

Hannah Brass, Public Policy Director, American Civil Liberties Union (ACLU), testified **in opposition to H 193**. Ms. Brass said this bill requires 5% bond and offers no alternative for indigent plaintiffs. She said the bill indicates the bond goes to ITD with future disposition undefined. Ms. Brass wants public hearings to be required. **Mr. Frew** said that in administrative rules there are no provisions for public hearings on permits.

**VOTE ON
MOTION:**

Motion carried on voice vote. **Rep. Ringo** and **Rep. King** requested that they be recorded as voting **nay**. **Rep. Harwood** will sponsor the bill on the floor.

H 141:

Rep. Hagedorn presented **H 141**. Rep. Hagedorn said this bill adds an infraction violation for driving while distracted when using an electronic handheld device. He said distracted driving is a behavior that occurs when not exercising due care. Rep. Hagedorn said this bill is critically important regarding texting. He said Verizon does not keep texting records longer than five days, so those records would not be available to the courts at time of a court hearing. In answer to questions, Rep. Hagedorn said that when a driver pulls over to text, he is exercising due care. He also responded that adding court costs is automatic in all rules of the road. He said distracted driving is an infraction that has a lower level of penalties than reckless driving.

Parrish Miller, citizen, testified **in opposition to H 141**, and said this bill is unenforceable, that this bill could lead to more problems because of diverted attention, and this bill is designed to have law officers look into cars.

Woody Jackson, Allstate Insurance Company, testified **in favor of H 141** and said he is in support of the proposed amended legislation. Mr. Jackson said teens are in favor of this bill. He said research by the Institute for Highway Safety reported that texting is teens' biggest distraction while behind the wheel and car crashes are the number one killer of teens.

Lyn Darrington, State Farm Insurance Companies, testified **in favor of H 141** and said State Farm is in support of the proposed legislation with amendments as prepared by the sponsor. Ms. Darrington said State Farm did a recent study regarding webbing and found that 19% of drivers surfed the network while driving.

Mike Kane, Idaho Sheriffs Association and Property Casualties Insurers Association, testified **in favor of H 141**. He said an offender can go to jail on a misdemeanor but not on an infraction. He said the charge could be raised to misdemeanor if damage is incurred.

Dave Carlson, AAA Idaho, testified **in favor of H 141**. Mr. Carlson said he supports part of the proposed amendments and would prefer a legislative consideration that would take it a bit further than distracted driving. Mr. Carlson is concerned that the ban on texting is unenforceable.

Michelle Audette, ABATE (A Brotherhood Against Totalitarian Enactments) of Southern Idaho, testified **in opposition to H 141**. Ms. Audette said she is not against safer roads. She said defining inattentive driving is enough and it is not necessary to be specific about handheld devices. She said the statistics from accident reports don't define the cause of inattentive driving.

**ORIGINAL
MOTION:**

Rep. Wills moved to send **H 141** to **General Orders** with committee amendment attached. **Rep. Hagedorn** seconded the motion.

**SUBSTITUTE
MOTION:**

Rep. Nonini offered a substitute motion to **HOLD H 141** in committee.

Rep. Hagedorn said Lancome has recently introduced a new product of mascara in a wand that is battery operated, making it a handheld electronic device, so it would fall within this legislative definition.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Smith (24) called for a vote on the substitute motion. **Substitute motion failed on voice vote.**

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

A **roll call vote** was requested on **H 141**. By a vote of **13 aye** and **2 nay**, the **original motion passed**. Voting in the affirmative: **Reps. Palmer, Bedke, Wills, Hart, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen, and Smith (24)**. Voting in the negative: **Reps. Wood (35) and Nonini**. **Rep. Hagedorn** will sponsor the bill on the floor.

H 228:

Rep. Batt presented **H 228**. She said this bill allows farmers or their designated agents to transport implements of husbandry and equipment to or from a farm to a repair facility, or to or from a farm to a dealership. **Rep. Batt** said this bill tightens the language so dealers would not fall under this allowance.

MOTION:

Rep. Killen moved to send **H 228** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Batt** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee, the meeting was adjourned at 3:42 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, March 16, 2011

SUBJECT	DESCRIPTION	PRESENTER
S 1088aa	Motor vehicles, towing/storage	Sen. Goedde
S 1089aa	Vehicle titles	Sen. Goedde
H 232	Highway district encroachments	Stuart Davis, Executive Director, Idaho Association of Highway Districts

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 16, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative(s) Bedke, Wills, Ellsworth

GUESTS: Val Brooks, Idaho Credit Union League; Randy Colson, President, Idaho Towing & Recovery Professionals; Jerry Deckard, Highway Districts; Rex Green, Idaho Independent Auto Dealers Association; Jim Trent, State Farm; Phil Barber, American Insurance Association; Paul Jackson, Government Affairs Representative, Farmers Insurance; Barry Takeuchi, Idaho Transportation Department (ITD); Kathi VanderMeer, Boise Valley Towing/People; T. J. Biggers and Sarah Biggers, Crossroads Towing; Roger Seiber, Capitol West; Woody Richards, Allstate Insurance Company, American Family Insurance Company, State Farm Insurance, and Farm Bureau Mutual Insurance Company.

Chairman Smith (24) called the meeting to order at 1:30 p.m.

S 1089aa: **Sen. Goedde** presented **S 1089aa** and said this bill deals with lost titles on total loss vehicles and will simplify and speed up the salvage title process for insurance carriers. Sen. Goedde said this bill was brought to him by the insurance industry and that Idaho Transportation Department (ITD) has lent some knowledge to the bill. Sen. Goedde said this proposed legislation provides insurance carriers with a process to dispose of salvage vehicles when the title has been lost in the mail, mis-sent by the lienholder or is otherwise unavailable and the loss has already been paid for by the insurance carrier.

Barry Takeuchi, Idaho Transportation Department (ITD), in answer to questions, said that should the original title surface after the salvage title has been issued, ITD records would reflect what happened and the original title would be captured and destroyed. He said the more recently issued title supersedes the original title. Mr. Takeuchi said a vehicle becomes a salvage vehicle after there has been a total loss payoff.

Val Brooks, Idaho Credit Union League, testified **in favor of S 1089aa**. Ms. Brooks said the League approves of the language of this bill because it protects consumers, lienholders, and the insurance companies.

Rex Green, Idaho Independent Auto Dealers Association, testified **in favor of S 1089aa**, and said the association's Board of Directors are in full agreement with this bill.

Paul Jackson, Government Affairs Representative, Farmers Insurance, testified **in favor of S 1089aa**. Mr. Jackson explained the responsibility of insurers relative to a total loss vehicle in an insurance claim. He said that everybody has their money before this bill kicks in.

MOTION: **Rep. Wood (35)** moved to send **S 1089aa** to the floor with a **DO PASS** recommendation. **The motion carried on voice vote.** **Rep. Nessel** will sponsor the bill on the floor.

S 1088aa:

Sen. Goedde presented **S 1088aa**, and said it allows an insurer to take possession of a total loss vehicle and move it to an insurer's holding facility. The vehicle owner's personal property will be protected and the holding facility releasing the vehicle will be held harmless for complying with this subsection.

Paul Jackson, Government Affairs Representative, Farmers Insurance, testified **in favor of S 1088aa**. Mr. Jackson said that when the vehicle has been determined to be a total loss, an insurer can take possession of the vehicle by paying the towing and storage costs and move it to a holding facility pending resolution of the claim. In the event that a settlement cannot be reached, the vehicle will be returned to the original holding facility or other mutually agreeable location. Mr. Jackson said that due to a concern of the towing industry, the bill was amended to require that the insurer provide the location and telephone number of the insurer holding facility. He said this original bill was amended to allow lienholders to also remove a vehicle from a towing firm.

Val Brooks, Idaho Credit Union League, testified **in favor of S 1088aa**, and said this bill protects the interest of the lienholder and speeds the process, which saves money for credit union members.

Randy Colson, President, Idaho Towing & Recovery Professionals, testified **in opposition to S 1088aa**. Mr. Colson said this bill grants to insurers the power to relocate wrecked vehicles from towing storage facilities without the vehicle owner's knowledge or consent. Sometimes the owner has not yet removed personal property. Mr. Colson said the towing companies are not protected from claims of secondary tow damage or missing property. He said that prior to insurance settlements owners should be able to decide disposition of their vehicles.

Kathi VanderMeer, Boise Valley Towing owner but talking as a consumer and a mother, testified **in opposition to S 1088aa**. She said her family was involved in an accident where the vehicle was a total loss. Ms. VanderMeer said her concern is that people don't know about the rights of releasing the vehicle without the owner's consent. Ms. VanderMeer said that as a tow yard owner, she wants the insurer to pay then take the vehicle; as an owner, she does not want the vehicle taken without her consent.

T. J. Biggers, Crossroads Towing, testified **in opposition to S 1088aa**, and asked the committee to scrap the bill. Mr. Biggers said the insurer tries to save money by quick removal but, without having owner's permission, extra costs are incurred when the towing company has to inventory personal possessions in the vehicle.

Sarah Biggers, owner/operator of Crossroads Towing, testified **in opposition to S 1088aa**. She said this bill allows the vehicle to be towed without the owner's consent. Ms. Biggers said that each person who takes control of the vehicle must sign off on the inventory list and that adds costs. She said the "hold harmless" clause is vague.

Woody Richards, representing Allstate Insurance Company, American Family Insurance Company, State Farm Insurance, and Farm Bureau Mutual Insurance Company, testified **in favor of S 1088aa**. He said the insurers are interested in saving money for their policyholders. He said this legislation has no intent of keeping secret from the owner where the vehicle is. The bill does not change ownership of the vehicle. Mr. Richards said the "hold harmless" provision protects the towing companies and saves money for insurers.

Paul Jackson said the insurer will deal with a representative of the owner if the owner is incapacitated, and that 90% of all towing and storage arrangements are made with the owner. Mr. Jackson said some tow yard operators do not allow owners into their yard or they charge a gate fee. Mr. Jackson said it is a misperception that the vehicle is moved quickly to a tow yard; usually the owner has a chance to get personal property from the vehicle before it is moved.

MOTION: **Rep. Bateman** moved to send **S 1088aa** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Hart** offered a substitute motion to **HOLD S 1088aa** in committee at the call of the chair until Thursday, March 24.

ROLL CALL VOTE ON SUBSTITUTE MOTION: A **roll call vote** was requested on the substitute motion to **HOLD S 1088aa** in committee at the call of the chair until Thursday, March 24. By a vote of **8 aye** and **4 nay**, with 3 absent and excused, the **substitute motion passed**. Voting in the affirmative: **Reps. Palmer, Wood, Hart, Nonini, Henderson, Nessel, Ringo, and King**. Voting in the negative: **Reps. Hagedorn, Bateman, Killen, and Smith (24)**. **Chairman Smith (24)** said **S 1088aa** will be **held until Thursday, March 24**. **Chairman Smith (24)** requested that **Rep. Hart** work with **Rep. Henderson, Paul Jackson**, and someone from the towing industry who testified in opposition to the bill and prepare an amendment to **S 1088aa** to be presented to **Chairman Smith (24)** prior to the committee meeting on Thursday, March 24.

H 232: **Jerry Deckard**, Highway Districts, presented **H 232**. Mr. Deckard said this bill is in response to court action that was resolved at Supreme Court level. He said this bill clarifies the definition of "highway" and "public right-of-way" in current law. Mr. Deckard said this legislation requires a county and highway district to remove any encroachments that prevent vehicular use of an open highway.

MOTION: **Rep. Wood (35)** moved to send **H 232** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Wood (35)** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, the meeting adjourned at 3:23 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, March 24, 2011

SUBJECT	DESCRIPTION	PRESENTER
H 264	Veteran preferences	Rep. Bolz
S 1088aa	Motor vehicles, towing/storage	Sen. Goedde

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, March 24, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Reps. Bedke and King

GUESTS: Bob Uebelher, Connolly & Smyser; Joe Wittenborn, Valley View Towing; Jim Trent, State Farm; Val Brooks, Idaho Credit Union League; Randy Colson, Idaho Towing & Recovery Professionals; Paul Jackson and Rod Thayer, Farmers Insurance; Barry Takeuchi, DMV, Idaho Transportation Department; Sarah Biggers and T. J. Biggers, Crossroads Towing; Woody Richards, Allstate Insurance Company, American Family Insurance Company, and Farm Bureau Mutual Insurance Company; Mike Kane, Property Casualty Insurers Association.

Chairman Smith (24) called the meeting to order at 1:30 p.m.

MOTION: **Rep. Ringo** moved to approve the minutes of March 10 as written. **Motion carried on voice vote.**

MOTION: **Rep. Ringo** moved to approve the minutes of March 16 as written. **Motion carried on voice vote.**

H 264: **Rep. Bolz** presented **H 264**. He said **H 264** offers minor changes to current legislation and those changes are based on concerns received by the Department of Labor and the Division of Veterans Services from veterans and public employers. Rep. Bolz said this legislation clarifies existing definitions and includes new definitions, and it revises the appeals process. He said it also authorizes the Division of Veterans Services and the Department of Labor to provide technical assistance and education to public employers, veterans and other interested parties concerning the Idaho veteran's preference. In response to a question, Rep. Bolz said the public employer has to get notification to the applicant that the applicant has a right to the appeals process.

MOTION: **Rep. Wills** moved to send **H 264** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Bolz** will sponsor the bill on the floor.

S1088aa: **Paul Jackson**, Government Affairs Representative, Farmers Insurance, presented **S 1088aa**. He said this proposal will simplify and speed up the salvage title process for insurance carriers. Mr. Jackson said it will provide insurance carriers an improved process to dispose of salvage vehicles when the title has been lost in the mail, mis-sent by the lienholder, or is otherwise unavailable. He said representatives of the towing industry have approved the bill with attached proposed amendments that were prepared by the assigned committee.

Joe Wittenborn, Owner, Valley View Towing, testified **in favor of S 1088aa**. Mr. Wittenborn said he is in agreement with the changes but, speaking as a private citizen rather than a towing company owner, he thinks that a vehicle being moved gives the insurance company too much leverage in negotiating the loss value. He said that at the salvage pool, the vehicle and its contents are treated like salvage and sometimes damaged more. Mr. Wittenborn said this bill does not address the owner's rights prior to payment of claim.

Rod Thayer, State Claims Manager, Farmers Insurance, testified **in favor of S 1088aa**. He said actual cash value of a total loss vehicle is determined. Mr. Thayer said the vehicle owner is told by the insurance company that he has a certain amount of time to get the vehicle out of storage and the insurance company will pay for towing, but the owner must control the cost. The owner does not have to move the vehicle to the insurance company's holding facility but may move it to another agreed upon destination. Mr. Thayer said this act is to the owner's advantage because of accruing costs for storage. He said the insurance company tries to help the owner stop costs.

Sarah Biggers, Crossroads Towing, testified **in favor of S 1088aa**. Mrs. Biggers said her original concern was lack of owner's consent and now she thinks the bill is legitimate and should pass as amended.

Mike Kane, Property Casualty Insurers Association, testified **in favor of S 1088aa**. Mr. Kane said the beauty of this bill is that it helps lower costs, gets money to towing company right away, and protects the public.

MOTION: **Rep. Hart** moved to send **S 1088aa** as amended to **General Orders**. **Rep. Henderson** seconded the motion. **Motion carried on voice vote**. **Rep. Hart** will sponsor the bill on the floor.

Chairman Smith (24) and **Rep. Hagedorn** expressed appreciation to the committee assigned to draft the amendment and to all parties concerned in resolving issues of concern with this bill.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 2:03 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, March 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
	PRESENTATION: Follow-up of 2009 Idaho Transportation Department (ITD) performance audit	Jim Brock and Bob Thomas, Consultants, representing Rakesh Mohan, Office of Performance Evaluations

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, March 28, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative Killen

GUESTS: Dennis Tanikuni, Idaho Farm Bureau Federation; Jim Brock, Avant Infrastructure Management Consulting; Bob Thomas, Robert C. Thomas and Associates; Rakesh Mohan, Director, Office of Performance Evaluations; Darrell Manning, Board Chairman, and Dave Tolman, Administrator, Idaho Transportation Department (ITD).

Chairman Smith (24) called the meeting to order at 1:32 p.m.

Rakesh Mohan, Director, Office of Performance Evaluations, offered a follow-up report on the implementation status of 44 recommendations made in the 2009 performance audit of the Idaho Transportation Department (ITD). He said the follow-up report describes how the Department has responded to the 44 recommendations of the 2009 performance audit that was assigned in 2008. Mr. Mohan said the follow-up report work was done by **Jim Brock** and **Bob Thomas**, Consultants.

Jim Brock, Avant Infrastructure Management Consulting and Consultant to Office of Performance Evaluations, said the audit took six to eight months and the follow-up evaluation took six weeks. He said a primary purpose of the evaluation was to identify factors that affected implementation of the recommendations of the audit. Mr. Brock said though leadership at ITD changed in January, 2010, with a new director, the Department has responded positively and aggressively in completing and processing the recommendations of the audit. He said none of the recommendations have been ignored. He said ITD has positioned itself to make the most cost effective decisions with the funds allotted to it. Mr. Brock said the follow-up review focused on six categories: 1) Strategy and Performance Management, 2) Preservation, Maintenance, and Asset Management, 3) Data and Information Management, 4) Organization and Human Resources, 4) Project, Contractor, and Consultant Management and 6) Financial Planning and Budgeting. He reported on the implementation of the recommendations in each of the categories. In answer to questions, Mr. Brock described how ITD has adopted and implemented or partially implemented the programs, and that further/final implementation is scheduled. Mr. Brock said the follow-up report recommendations are to oversee funding for local roads, finalize the Department's strategic plan, integrate separate planning processes and documents, and seek funding sources for preservation and maintenance.

Mr. Mohan said that the Office of Performance Evaluations has no enforcement authority, but the Transportation & Defense Committee does. He suggested that the committee express its priorities to the Department.

Bob Thomas, Robert C. Thomas and Associates and Consultant to Office of Performance Evaluations, said his role in this follow-up report was as performance auditor. He said he was attentive to make sure legislators got the information needed to do their part. Mr. Thomas said the real savings to the state will be realized by implementation of the asset management system.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 2:54 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, March 30, 2011

SUBJECT	DESCRIPTION	PRESENTER
<u>H 307</u>	Highway Commissioner Terms	Stuart O. Davis, Executive Director, Idaho Association of Highway Districts
<u>H 311</u>	Uninsured motorists	Rep. Thompson
<u>S 1179</u>	Special license plate programs	Sen. Hammond
<u>SCR 109</u>	USS Boise, commended	Sen. Winder

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 30, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith(24), Vice Chairman Palmer, Representative(s) Wood(35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** None.

GUESTS: Jim Trent and Lyn Darrington, State Farm Insurance Company; Alan Frew and Amy Smith, Idaho Transportation Department; Bart Blackstock, Insure-Rite; Woody Richards, Allstate, Farm Bureau, and American Family Insurance; Paul Jackson, Farmers Insurance; Michael Kane, Idaho Counties Risk Management Program and Property Casualty Insurers Association; Phil Barber, American Insurance Association; Skip Smyser, Connolly & Smyser and Insure-Rite; David Lehman, Principle Strategic Advisors, representing AAA Idaho.

Chairman Smith (24) called the meeting to order at 1:30 p.m.

MOTION: **Rep. Ringo** moved to approve the minutes of March 24, 2011 as written. **Motion carried on voice vote.**

MOTION: **Rep. Ringo** moved to approve the minutes of March 28, 2011 as written. **Motion carried on voice vote.**

H 307: **Chairman Smith (24)** announced that the sponsor of **H 307** was unable to attend the meeting due to medical problems. He said the sponsor requested to **HOLD H 307** at the call of the chair.

MOTION: **Rep. Wood (35)** moved to **HOLD H 307** at the call of the chair. **Motion carried on voice vote.**

H 311: **Rep. Thompson** presented **H 311**. He said this legislation authorizes the Idaho Transportation Department (ITD) to administer an uninsured motorist database pilot program. Rep. Thompson said this legislation would identify the percentage of motorists who are uninsured. He said this program would be further explained by **Bart Blackstock**, Insure-Rite.

Bart Blackstock, Insure-Rite, said following passage of **H 311** his company would provide Idaho with the rate of uninsured motorists by inventory over a period of time. He said his company has experience doing this in other states and his company has five different reporting formats. He said his company would provide a baseline of the percentage of uninsured motorists in the State, and the legislature would make future decisions on pertinent legislation dependant upon the percentage rate determined. Mr. Blackstock said his company's initial work of establishing the baseline would be free of cost to the State. Mr. Blackstock said that after legislation is passed authorizing a future contracted study, that contract would be put out for bid. In answer to questions, Mr. Blackstock said the usual vendor cost to do the contracted study is between three and eight cents per vehicle. Mr. Blackstock reported results of several states which have employed the study.

Alan Frew, ITD, said the Department did not request the baseline study and that ITD does not know what the uninsured rate in Idaho currently is. In response to questions, Mr. Frew said that the Department could possibly conduct the initial study internally. Mr. Frew said that ITD is neutral regarding support of this legislation.

Mr. Blackstock said that all the information gathered by his company for the initial study would belong to the State.

Woody Richards, Allstate, Farm Bureau and American Family Insurance, testified **in opposition to H 311**. He said this bill over promises results and fails to account for costs. Mr. Richards said insured motorists pay for trying to track uninsured motorists.

Paul Jackson, Farmers Insurance, testified **in opposition to H 311**. Mr. Jackson said database reporting systems have problems and create problems, such as expense, privacy, and proprietary designs. He suggested a cost analysis should be completed before any action would be taken on this bill.

Lyn Darrington, State Farm Insurance, testified **in opposition to H 311**. Ms. Darrington expressed concern with the accuracy of data.

Michael Kane, Idaho Counties Risk Management Program and Property Casualty Insurers Association, testified **in opposition to H 311**. Mr. Kane said the proposed initial study allowed by this bill would require insurance companies writing business in Idaho to provide twice-monthly policyholder data reports to a third party vendor or to ITD. He said there is no evidence to support the notion that data reporting programs work to reduce the number of uninsured drivers.

Phil Barber, American Insurance Association, testified **in opposition to H 311**. Mr. Barber said the industry is developing better methods of handling the problem.

Skip Smyser, Attorney, Connolly & Smyser and representing Insure-Rite, testified **in favor of H 311**. Mr. Smyser said this is an issue affecting society and insured people have a better society. He said that lawmakers should accumulate the information that will allow them to make an informed decision about future legislation aimed at reducing the percentage rate of uninsured motorists. Mr. Smyser said the initial study would be a test project to get the data.

David Lehman, Principle Strategic Advisors, representing AAA Idaho, testified **in opposition to H 311**. He said this is a defacto contract requiring insurance companies to provide information at a cost to the insured. Mr. Lehman said he would prefer to work with stakeholders to come up with a method that is more cost certain.

Rep. Thompson said the percentage of uninsured motorists in Utah dropped from 24% to 5% following legislative intervention after the initial study. Rep. Thompson recommended doing the initial study to discover if Idaho has a problem.

MOTION:

Rep. Bateman moved to send **H 311** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:**

A roll call vote was requested. **Motion failed, 6 aye and 7 nay. Voting in favor** of the motion: **Reps. Wood (35), Wills, Bateman, Henderson, Nessel, and Smith (24). Voting in opposition** to the motion: **Reps. Palmer, Hart, Hagedorn, Ellsworth, Ringo, King, and Killen.**

S 1179:

Sen. Hammond presented **S 1179**. He said this bill narrows the scope of specialty license plates and relieves the legislature of approving fees that go to private companies and clubs, where the State has no authority on the use of the revenue collected. Sen. Hammond said that specialty plates would be limited to State and other public agencies or foundations supporting the interests of State or local government. Sen. Hammond said there would be no affect on existing specialty plate programs.

MOTION: Rep. Ellsworth moved to send **S 1179** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: After a voice vote, the Chair was in doubt and requested a **roll call vote**. **Motion carried, 8 aye and 6 nay. Voting in favor** of the motion: **Reps. Wood (35), Bedke, Wills, Nonini, Ellsworth, Henderson, Nessel, and Smith (24).** **Voting in opposition** of the motion: **Reps. Palmer, Hart, Hagedorn, Ringo, King, and Killen.** **Rep. Smith (24)** will sponsor the bill on the floor.

SCR 109: The sponsor of **SCR 109** was not present and the bill was held at the call of the chair.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 3:21 p.m.

Representative Smith(24)
Chair

Sheila Doherty
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M. or Upon Adjournment
Room EW40
Monday, April 04, 2011

SUBJECT	DESCRIPTION	PRESENTER
SCR 109	USS Boise, commended	Sen. Winder
S 1001aa	Off-road vehicles/license requirement	Sen. McGee
	Sine Die	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Smith(24)

Vice Chair Palmer

Rep Wood(35)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Ellsworth

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, April 04, 2011

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Smith (24), Vice Chairman Palmer, Representative(s) Wood (35), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Ellsworth, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Rep. Bedke

GUESTS: Sandra Mitchell, Idaho Recreation Council; Tom Glass, private citizen; Seth Grigg, Idaho Association of Counties; Mel Quale, Magic Valley Trail Ma.; Adena Cook, Blue Ribbon Coalition; Alex Irby, P.L.A.Y. & CBC; Russ Hendricks, Farm Bureau; Andy Brunelle, U.S. Forest Service

Meeting was called to order at 1:33 p.m. by **Chairman Smith**.

MOTION: **Rep. Ringo** moved to approve the minutes of March 30 as written; **motion carried on voice vote**.

SCR 109: **Rep. Hagedorn** presented **SCR 109**, a resolution recognizing the crew of the USS Boise, a Los Angeles-class attack submarine. Rep. Hagedorn noted that the USS Boise recently received the 2010 Battle Efficiency (Battle E) Award and the Meritorious Unit Commendation, recognition that every unit strives to receive. Rep. Hagedorn pointed out that the USS Boise also received awards for Medical, Supply, Communications, Navigation and Engineering operations. This resolution will serve as a message of recognition and appreciation to the Commander and crew of the USS Boise.

MOTION: **Rep. Wills** moved to send **SCR 109** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Killen** requested that the Democrats be recorded as voting "aye-aye." **Rep. Hagedorn** will sponsor the resolution on the floor.

S 1001a **Sandra Mitchell**, representing the Idaho Recreation Council, presented **S 1001a**, on behalf of the bill's sponsor, **Sen. McGee**. Ms. Mitchell testified that S 1001a addresses two issues that arose following passage of legislation in 2009 that allowed unlicensed drivers under age 16 to use roads that are not part of the state highway system. First, the definition of a "supervised" driver is not specific enough and allows for some confusion. This legislation clarifies the definition to say that the supervising adult must be in a position to provide close support, assistance or direction, either by means of being on another vehicle nearby or by being within 300 feet if on the ground. Second, unlicensed operators must complete a state-approved safety course and must carry proof of such completion at all times when operating a vehicle.

Responding to committee questions, Ms. Mitchell stated that the Forest Service had worked with the Off Highway Vehicle (OHV) community to arrive at the compromise of requiring training for unlicensed riders under age 16. She said this compromise will help maintain recreational opportunities for families and will address safety issues while still protecting access to roads. She noted that the amendments in

the Senate were necessary to specify that the certificate of training is required only when riding on Forest Service roads. She said the Idaho Department of Parks and Recreation will evaluate the training programs. She said there was not a consideration to include an emergency clause in the bill, although that may have been advisable, given the busy Memorial Day weekend.

Rep. Roberts testified in support of **S 1001a**, giving a brief history of meetings with the U.S. Forest Service that resulted in the compromise language in the bill. He stated this legislation will make a difference in Clearwater County and other areas of Idaho with high ATV use.

Tom Glass, a private citizen who has been involved in motorized recreation organizations for more than 25 years, testified in support of **S 1001a**. Mr. Glass said he has been a long-time supporter of basic safety training, and S 1001a will make such training mandatory for a fairly narrow group of younger, unlicensed riders. He said Oregon is phasing in a requirement for all ATV riders regardless of age, and other states are implementing safety training for young riders. Mr. Glass said he completed an online ATV course offered by Minnesota a few years ago which taught him new skills and new information. Mr. Glass said the few irresponsible players in any sport always give a bad name to the other parties. He said the required training course may be wasted on those irresponsible players but would likely be influential on their children.

In answer to a question from the committee, Mr. Glass said the Off Road Motor Vehicle (ORMV) Fund is administered by the Department of Parks and Recreation and receives funds from the gasoline tax and ATV registration fees. Asked whether this fund would help pay for setting up the required training course, Mr. Glass said the course is available now without charge.

Seth Grigg, representing the Idaho Association of Counties, testified in support of **S 1001a**, stating that the Association has taken a position of strong support for the legislation. He said the counties maintain many of the roads in question and they respond to incidents that happen on them. County officials are primarily concerned about public safety as well as access to public lands. Mr. Grigg said this bill will help provide for public safety by training young riders, and it will make sure the roads will be open to the general public.

Mr. Grigg was asked who would enforce the terms of the legislation, and asked whether a violation would be classified as an infraction. Mr. Grigg said the amendment includes the stipulation that a violation may result in an adult being charged with an infraction. He said county officials are often on the scene, but many of these roads are in remote areas and are not actively patrolled by counties.

Mel Quale, a private citizen and avid motorcycle rider, testified in support of **S 1001a**, saying users are in favor of the bill even though it is not perfect. He testified this bill will allow safer use of county roads by requiring safety training.

Adena Cook, representing the Blue Ribbon Coalition, testified in support of **S 1001a**, noting particularly her support for the educational component. She said often education efforts are offered to clubs and organized users, but these efforts miss the broader riding community. She agreed that requiring education for the children will help to educate entire families, which will improve recreational safety for everyone.

Alex Irby, a past Fish & Game commissioner from Orofino, testified in support of **S 1001a**, saying it is important legislation for his region. Mr. Irby said he has met with the Forest Service officials in the Clearwater and Nez Perce National Forests, and said the Clearwater Sheriff has moved ahead on his own to address the problems. Mr. Irby said each time a child dies as the result of irresponsible or unsafe ATV use, it illustrates the need for good safety instructions.

Russ Hendricks, representing Idaho Farm Bureau, testified **in opposition to S1001a**, noting that his members use off-highway vehicles for both work and recreation. He said the Farm Bureau has a specific policy that opposes mandatory safety requirements as a prerequisite to riding on Idaho roads. Mr. Hendricks said this is not a safety issue, and he stated there has been no increased incidence of mixed-use accidents since the legislation passed in 2009. Mr. Hendricks noted that even if S 1001a passes, there is no guarantee that the Forest Service will leave all roads open, since they have not made that commitment. He also questioned the bill's Fiscal Note, stating his belief that there will be greater demand for training courses, which will increase costs. Mr. Hendricks questioned how an adult could be charged with an infraction if the adult is not riding with his or her children. He said his organization is not opposed to safety training for youth, but their position is that responsibility cannot be legislated. Therefore, they oppose mandatory safety training.

Mr. Hendricks said he does not know whether a Forest Service officer is considered a peace officer for purposes of enforcing this legislation. He said he agrees with the general policy that counties should be involved in road decisions, rather than letting roads be federally managed. **Rep. Wills** offered the opinion that Forest Service personnel would not be expected to enforce this law any more than they enforce vehicle registration or driver's license requirements. He pointed out that federal employees are charged with enforcing only federal regulations, not state regulations.

Asked what effect the required safety training may have on accident rates, Mr. Hendricks said he is aware that some other states require training but he does not know the accident rates in those states. Mr. Hendricks said the only issue that has arisen since the 2009 legislation is that the Forest Service has some concerns about some of their roads and they may consider closing them.

Andy Brunelle, representing the US Forest Service and the National Forests located in Idaho, testified **in support of S 1001a**. Mr. Brunelle testified that state traffic laws apply also to roads on National Forest lands, and said state government establishes registration, safety and licensing requirements for motor vehicles and operators. Mr. Brunelle said the 2009 legislation, S 1098, removed the requirement for a driver's license and therefore allowed unlicensed and underage drivers on roads used by logging trucks, livestock trucks, and other vehicles. Mr. Brunelle said that under the previous regulations that required a driver's license, the Forest Service did not have to analyze each of its roads to decide where problems may be occurring.

Mr. Brunelle commented on some issues that had come up during testimony, noting that the legislation does not establish a minimum age for the required safety training. He said that issue is best established depending on the type of vehicle and the physical size of the person to be trained. He said minimum ages vary by state, and the decision in Idaho will be left to the Department of Parks & Recreation since they will design the training program. Mr. Brunelle testified that the Forest Service had worked with OHV groups to arrive at this compromise legislation, noting that they recognize the family recreational component of road usage near campgrounds.

Asked whether the Forest Service could guarantee that roads will remain open if this legislation is passed, Mr. Brunelle said he could not guarantee that. He said they do believe the best way to achieve safety is to offer safety training to under-age children. He also noted there are some roads that are not appropriate for off-road vehicle users. One example would be the road from Highway 75 to Redfish Lake, which is a paved, two-lane road with a 55 mph speed limit.

Responding to further questions, Mr. Brunelle said he is not aware of studies which show that requiring safety training will save lives. He did comment, however, that two years ago the Forest Service's law enforcement director in Utah indicated she thought the Utah statute was fairly effective. Mr. Brunelle also agreed with the earlier opinion that Forest Service personnel would not be charged with enforcing state law, unless a particular county has entered into a memorandum of understanding with the Forest Service for enforcement.

Ms. Mitchell was recognized to conclude testimony on **S 1001a**. She said the bill is a reasonable compromise that offers solutions to the problems that have surfaced with regard to unlicensed OHV riders. She stated the legislation will help protect road access for family recreational uses.

A discussion was held regarding whether or not to send the bill to General Orders to lower the minimum age for required safety courses to 10 or 12 years and to add an emergency clause. It was agreed that at this point in the session it is probably inadvisable to do so, since it is important to pass the legislation this year in order to protect access. Mr. Brunelle expressed the opinion that an effective date of July 1 will give Parks & Recreation more time to implement the program and develop the education program. He also said the Governor had asked that the status quo be maintained in terms of road closures, and the Forest Service will respect that request.

MOTION: **Rep. Killen** moved to send **S 1001a** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Reps. Wills, Hart, Wood, Palmer, and Nonini** requested that they be recorded as voting nay. **Rep. Roberts** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:40 p.m.

Representative Leon Smith(24)
Chairman

MaryLou Molitor
Secretary